IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 481 OF 2003

Mrs. Manjusha Narendrakumar
Rathod. .. Petitioner.

vs.

Tahasildar Khed & Ors. .. Respondents.

Mr. P.B. Shah for petitioner.

Mr. A.P. Vanarse, AGP., for respondents nos. 1 to 3.

CORAM : S.U. KAMDAR, J.

DATE : 28th November, 2005.

P.C.:

. The learned counsel for the petitioner has challenged the order dated 25.1.2002 passed by the Commissioner, Pune Division, inter alia upholding imposition of penalty of the sum of Rs. 2,14,092/-. The said order is passed under Section 48 of the Maharashtra Land Revenue Code, 1966 inter alia on the ground that the petitioner has undertaken excess excavation of the land than what is permitted under the licence. The learned counsel for the petitioner has challenged the said order on the ground that there is an interpolation on the panchanama and/or

the panchanama is fabricated and prepared subsequent to the show cause notice. On the face of the record, I do not find any merit in the present petition. It is not possible for me in writ jurisdiction to determine the exact quantity of the excavation carried out by the petitioner in respect of the said land. Essentially the issue is a matter of fact. The authorities below have, after considering the record, come to the conclusion that there has been an excess excavation of the land and have imposed penalty in accordance with the rules. In that view of the matter, there is no substance in the matter. Petition dismissed. Interim order vacated. There shall be no order as to costs.